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13 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
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15 CITY OF SAN JOSE; PEOPLE OF THE
STATE OF CALIFORNIA; GINDIN-R&B
16 COMPANY

17 Plaintiff,

18 vs.

19 MARTIN & ROSANNA ALVAREZ, et al.

20 Defendants.
21

NO. 1-96-CV 759667

**DECLARATION OF WESLEY CHENG
IN SUPPORT OF MOTION TO
MODIFY THE PERMANENT
INJUNCTION AND FINAL JUDGMENT
PURSUANT TO STIPULATION FILED
ON APRIL 11, 1997**

**DATE: January 29, 2010
TIME: 9:00 a.m.
DEPT: 5
JUDGE: Hon. Mary Jo Levinger**

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23
24 I, Wesley Cheng, declare as follows:

25 1. My wife and I are owners of 1438 Tami Lee Drive, San Jose, CA 95112. We
26 have owned this real property since on or about August 20, 2004.
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28

2. My property is under the Permanent Injunction and Final Judgment Pursuant to Stipulation filed on April 11, 1997, (hereinafter "Permanent Injunction").

3. I have contracted with Alice Ogasawara of Realty World Premier Properties for the required court-approved property management.

4. The Permanent Injunction is for the purpose of the general improvement of the Santee neighborhood, and is not punitive in nature. (See 1997 Permanent Injunction, Ex. A to Request for Judicial Notice, at par. 38, p. 23.)

5. In my opinion, as a property owner under the Permanent Injunction, I believe that it promotes the general improvement of the Santee Neighborhood by requiring property owners to keep their properties in good repair which, based on personal observations of the Santee Neighborhood, I do not think they would do otherwise. I believe that the Permanent Injunction promotes public health and safety and that it should continue in full force and effect. Further, I believe that it enhances the neighborhood, which in turn protects my investment in the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. As to those matters alleged on information and belief, I am informed and believe them to be true and correct. This declaration was executed on December 18, 2009, at San Jose, California.

ifornia.


Wesley Cheng